Office of Aboriginal Affairs

Annual Accountability Report

Reporting for the Fiscal Year 2003-04

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Accountability Statement

The accountability report of the Office of Aboriginal Affairs for the year ended March 31, 2004, is prepared pursuant to the Provincial Finance Act and government policy and guidelines. These authorities require the reporting of outcomes against the Office of Aboriginal Affairs business plan information for the fiscal year 2003-04. The reporting of the Office of Aboriginal Affairs' outcomes necessarily includes estimates, judgements and opinions by the Office of Aboriginal Affairs.

We acknowledge that this accountability report is the responsibility of the Office of Aboriginal Affairs' management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the Office of Aboriginal Affairs business plan for the year.

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Honourable Michael G. Baker, QC
Minister of Aboriginal Affairs

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Judith Sullivan-Corney, Chief Executive Officer / Deputy Minister
Office of Aboriginal Affairs

Message from the Minister

Once again, the Office of Aboriginal Affairs is pleased to present an outline of the work it has undertaken during the previous fiscal year. We take pride in what we have been able to achieve and much of the credit goes to the professional, dedicated approach of our staff.

We started discussions with the Mi'kmaq and Canada on a Framework Agreement as a prelude to full negotiations on Treaty and related issues. Much of our work during the past year has been focussed on relationship building with our Mi'kmaq communities. We continue to provide financial and organizational support for the Mi'kmaq-Nova Scotia-Canada Tripartite Forum, the key mechanism for governments and the Mi'kmaq to come together to discuss issues of mutual concern. During the last year we also completed a program of providing fuel tax refunds to status Indians as required under the Indian Act.

Please take some time to examine this document and contact the Office of Aboriginal Affairs if you have any questions.

Michael G. Baker, QC
Minister of Aboriginal Affairs

Introduction

This accountability report, which is the third for the Office of Aboriginal Affairs, provides a report card on the progress and accomplishments of the Office during the fiscal year, 2003-04. This report is based on the goals and priorities as outlined in the 2003-04 business plan for the Office.

The main body of the report provides a review of achievements during the fiscal year. In addition the report provides an overview of financial results and performance measures.

Throughout the year, the Office has worked hard to help departments and agencies build the capacity to work with Aboriginal communities and organizations. Also, steady progress has been made in the area of negotiations, building towards the first step of an approved negotiation framework.

Additional information on the activities of the Office of Aboriginal Affairs can be found at our web site www.gov.ns.ca/abor/ .

Department Progress and Accomplishments

The following section provides an overview of the progress and achievements of the Office of Aboriginal Affairs during the 2003-04 fiscal year. These achievements are organized around the core business areas of the Office as outlined in the 2003-04 business plan.

Core Business Area: Negotiations and Related Discussions - The Office of Aboriginal Affairs is responsible for coordinating departmental input into the negotiation process and representing the province's interests in negotiations and related discussions with the Federal Government and the Nova Scotia Mi'kmaq.

PROGRESS AND ACCOMPLISHMENTS

Negotiation of Treaty and Related Issues

The Office of Aboriginal Affairs, in conjunction with its respective partners within the Made-in-Nova-Scotia Process, has engaged in the following activities:

- Began development of a Framework Agreement with the Mi'kmaq of Nova Scotia and Government of Canada. The Framework Agreement will establish the process and topics for negotiation of issues regarding Aboriginal rights, including Aboriginal title, treaty rights and governance.

- There was ongoing involvement of departments to keep them informed and have input into the negotiations through the Senior Officials committee for Treaty negotiation and Aboriginal Issues, the Deputy Minister' Advisory Committee on Negotiations, and various consultations with individual departments.

- We have met with various stakeholder organizations to update them on treaty negotiations to begin identifying issues of interest and exploring mechanisms to obtain their input.

- We initiated discussions around cost-sharing with the Government of Canada regarding funding for process costs and settlement costs for treaty-related negotiations.

- We continued to have ongoing internal preparation on key negotiation-related topics, including meetings and workshops with provincial negotiators and legal experts from other jurisdictions.

Fuel Tax Rebate Negotiations

In 2002/2003, The Province reached settlements totaling $19.1 million with seven of eight Mi'kmaq bands regarding the repayment of provincial fuel taxes paid in error in prior years by Status Indians. In 2003/2004, a settlement was reached with the Membertou Band, which completed the negotiations for all eight Mi'kmaq communities with on-reserve fuel stations.

First Nation Gaming

Through a series of gaming agreements with First Nations, over $32 million was made available to First Nation governments through a sharing of revenue under the video lottery terminal program and participation in revenue sharing from the Sydney Casino.

During the year, the Province negotiated new agreements with Millbrook, Membertou, Acadia, Glooscap, Bear River and Paq'ntkek First Nations. Negotiations with the remaining seven communities continue in 2004-05.

Core Business Area: Aboriginal and Intergovernmental Relations - This area includes working with Aboriginal communities and organizations and other levels of Government to coordinate Aboriginal initiatives, develop strategies, and build and maintain a sustainable framework for First Nation-Government relations

PROGRESS AND ACCOMPLISHMENTS

National Aboriginal Discussions

In November 2002, F/P/T/A Ministers and Leaders instructed officials to explore opportunities to work in the areas of Education and Housing. The Province of Nova Scotia was also named as one of the jurisdictional co-chairs for the F/P/T/A process (in both Steering Committee level discussions as well as for the National Aboriginal Youth Strategy (NAYS) Working Group.

During 03/04, progress has been made in the priority areas identified. F/P/T/A sub committees drafted discussion papers on both education and housing, and the NAYS working group has put together a youth leadership proposal based on the CEPS (Cultural, Economic, Political, Social) model. To help conclude the work on strengthening Aboriginal participation in the economy, *Journey to Success, an Aboriginal Women's Business Guide*, was formally launched and will be rolled out in jurisdictions in the near future.

Regional Aboriginal Discussions

During the winter of 2004, OAA prepared for an Atlantic Deputy Ministers of Aboriginal Affairs meeting. Items to be discussed included jurisdictional progress in the area of First Nation government relations, updates on the various negotiation processes, sharing best practices such as the NS/Mi'kmaq/Canada Tripartite Forum and finally, to gain an "Atlantic" perspective on Federal Government initiatives.

Mi'kmaq Legal Support Network (MLSN)

The Mi'kmaq Legal Support Network (MLSN) continues to provide courtworker services to Aboriginal adults who are involved with the legal system. In 2004 The Customary Law Office was added to the growing suite of MLSN's services. Customary law, formerly known as the Mi'kmaq Youth Options Program, has been operating successfully in Nova Scotia for almost a decade. While providing the same services as adult court workers, members of the customary law program are more involved with sentencing circles which are used more often for young offenders. MLSN has also been very active in training activities for correctional workers, police and the judiciary. The purpose of this training is to educate about the services of MLSN and to highlight some of the special needs and circumstances of Aboriginal offenders. OAA continues to be a major funder of MLSN and to take part in its management through our representation on it's advisory board.

Mi'kmaq-Nova Scotia-Canada Tripartite Forum

2003-04 was a year full of progress for the Tripartite Forum. With the Tripartite Forum Secretariat firmly in place, more administrative and organizational support is given to each of the seven working committees as well as its steering and officials/executive committee.

Committees of the Forum pursued a range of initiatives within their mandates including:

- Along with progress on their identified priorities including addressing gaps in health care delivery and homecare, the Health Working committee updated and printed a *Health Services Compendium for First Nation Clients*, a document which will prove to be resourceful for all those working in First Nations health. Discussions around occupational health and safety as well as worker compensation were initiated and the committee will look forward to assist in coordinating research to be conducted in this area.

- The Sport and Recreation committee was formalized by the official signing of the Mi'kmaq Youth, Recreation and Active Circle for Living (MYRACL) MOU. This agreement provides Three years of financial support towards the MYRACL initiative, one which promotes leadership, active living and healthy lifestyle choices within Mi'kmaq communities, with special emphasis on youth. Along with financial resources, a Tripartite working committee (now the Sport and Recreation working committee) was installed to help steer and provide assistance to those working on the MYRACL initiative.

- The Economic Development Working Committee continued to work through their broad workplan, including ongoing work on Aboriginal youth and entrepreneurship and the development of an Aboriginal Tourism Officer position to work with organizations such as the Tourism Industry Association of Nova Scotia.

- The Education committee has made language one of its major areas of focus. The committee has provided support to the Department of Education for hiring a language consultant to complete work on three Mi'kmaq language curricula. The committee continues to produce both the Mi'kmaq Resource Guide and the Education guide, of which new editions have been completed during this reporting period.

- The Culture and Heritage continues to work in conjunction with the Education committee on issues of language. In addition the representatives of the committee have met with members of the Department of Transportation and Public Works regarding highway signs identifying First Nation communities in Nova Scotia.

- The Steering Committee, with help from various working committee members and an external consultant, planned for the Forum's first Annual General Assembly, to be held in Wagmatcook in June 2004. The focus of this meeting will be for all those involved in the Forum to get together to engage in joint initiative planning and brainstorm around developing organization-wide principles.

Finally, more emphasis is being placed on the use of the Tripartite Forum website (www.tripartiteforum.com) for logistical information as well as regular reporting and working committee information. With the assistance of OAA, the Tripartite Forum Secretariat's communications officer updates both the content and structure of the website which is helping to turn this website into a useful communications tool.

Core Business Area: Interdepartmental Coordination, Policy Analysis and Strategic Advice - This business area includes providing policy and strategic advice and support to departments and agencies concerning Aboriginal issues. The office also works with departments and agencies to develop and implement the Government's overall approach to Aboriginal issues.

PROGRESS AND ACCOMPLISHMENTS

Aboriginal Policy Framework

With the assistance of departments and agencies, OAA made steady progress on the development of an Aboriginal Policy Framework to guide Government's overall approach to Aboriginal issues. The Policy Framework will be consistent with and support Government's overall strategic direction on economic and social policy. This Framework will enhance the effectiveness, efficiency and provide a strategic approach to Government's response on Aboriginal issues as well as clarity with respect to roles and responsibilities.

Interdepartmental Committees/Structures

The Office of Aboriginal Affairs plays a lead role in organizing and ensuring a consistent government approach to addressing Aboriginal matters. Throughout the year, the Office provided advice to line departments on Aboriginal matters and participated in corporate initiatives to ensure there was a reflection of Aboriginal issues. Some key activities during the fiscal year included:

- The Province of Nova Scotia was a key member in several interdepartmental committee/structures that attempt to cross jurisdictional barriers in order to improve the quality of life for Nova Scotians. Such initiatives include the Sustainable Communities Initiative, the Community Development Policy Initiative, and the Nova Scotia Rural Team. The Office of Aboriginal Affairs made valuable contributions to each of these initiatives through our regular membership.

- The Mi'kmawey Debert Initiative, with assistance and support of various departments, has made steady progress. OAA, along with the Department of Tourism, Culture and Heritage, and the Confederacy of Mainland Mi'kmaq signed and formally agreed to a Debert Protected Site Management Plan Memorandum of Principles. This memo outlines the broad commitments of all three parties as well as the strategic direction for the project and its partners.

Research

The Office is committed to identifying, preparing and distributing Aboriginal related research and information for use by provincial departments and agencies. During the fiscal year:

- An OAA research workplan had previously been developed. As a result, items such as the program and service inventory were updated. A larger research piece that the Office lead, in cooperation with the Department of Finance, was to complete a report on statistical information on Aboriginal people in Nova Scotia from information gathered in both the 2001 Census as well as the Aboriginal Peoples Survey.

Core Business Area: Communication, Public Education and Awareness - A key element of OAA's activity is aimed at increasing understanding of issues related to Aboriginal people in Nova Scotia. This business area employs the use of strategic communication and public education tools both internal to the Provincial government and externally to enhance understanding and raise awareness.

PROGRESS AND ACCOMPLISHMENTS

Communications Strategy

The Office continued work on development of a strategy to engage the public and stakeholder in the treaty negotiations which began with discussions on a Framework Agreement during the fiscal year. OAA also worked with the Communications Working Group to prepare a draft communications plan for the negotiators. This plan will form the basis for the negotiators in the "Made in Nova Scotia" process to communicate with Nova Scotians.

The Office worked with the Tripartite Forum to establish a communications office for the Forum and the Mi'kmaq Legal Support Network (MLSN) to enhance public understanding of the work being done by the Forum and MLSN.

Treaty Day

Hurricane Juan caused all treaty Day activities to be cancelled for Oct. 1, 2003. As a result on the cancellation, the Lieutenant Governor agreed to host a ceremony at Government House on November 26th, 2003 to distribute the awards.

Four awards were presented, including the Chief Noel Doucette Memorial Youth

Achievement Awards to Zabrina Whitman and Chance Paul. The Grand Chief Donald Marshall Senior Memorial Elder Awards were presented to Annie Marshall and Doug Knockwood.

Aboriginal Perceptions Training

Aboriginal Perceptions has now been redesigned and is offered to the entire public service. The course has proven to be extremely popular and will be incorporated into the PSC training calendar for 2004/2005. In addition, an area specific Aboriginal Perceptions training package has been delivered to some inline departments who wanted full staff participation in the training. Parts of the program have also been provided to the private sector as part of our public education initiative.

Internet/Intranet website

The Office of Aboriginal Affairs has also created an intranet site for sharing information on Aboriginal issues with departments and agencies. The Office is now developing interdepartmental protocols and policies to ensure a consistent and coordinated approach to addressing these issues. This will be particularly helpful as the province begins negotiations on Treaty and related issues.

Financial Results

2003-2004

The following table outlines the budgeted and actual spending for the Office of Aboriginal Affairs during the 2003-04 fiscal year. Overall spending came in at $2.0 million, approximately $218,000 less than the authorized budget of $2.229 million.

Cost Centre	Budget ($)	Actual ($)	Variance ($) (- over budget)
Salaries and Benefits	735,300	732,004	3,296
Travel	47,500	35,314	12,186
Professional and Special Services	671,500	462,626	208,874
Supplies and Services	43,700	59,475	- 15,775
Other	156,000	229,543	- 73,543
Grants and Assistance	685,000	609,696	75,304
Less:			
Chargeables to Other Departments	5,000	18,652	- 13,652
Recoveries	105,000	99,014	5,986
Fees and Other Charges	0	0	0
Total	**$2,229,000**	**$2,010,992**	**$218,008**
FTEs	***12.0***	***11.6***	***0.4***

- *Salaries and Benefits* were below expected levels as a result of staff changes and delays in rehiring throughout the fiscal year.
- *Travel* expenditures were below expected levels as a result of out-of-province meeting cancellations.
- *Professional and Special Services* were below budget estimates primarily as a result in a delay in required services for the formal negotiations on treaty and related issues with the

Mi'kmaq and the Government of Canada (i.e. research requirements, stakeholder involvement).

- *Supplies and Services* were over-expended due to the completion of office space renovations and an increase in telecommunications.
- *Other* was over-expended due to an increase in required staff training and the necessary replacement of IT equipment.
- *Grants and Assistance* payments were below expectations primarily due to delays in formal negotiations.
- *Chargeables to Other Departments* were over estimated due to an increase in enrollment in Mi'kmaq Perceptions Training offered throughout the fiscal year.
- *Recoveries* (i.e. cost share dollars from federal government departments) were lower than estimated.

REPORTING ON OUTCOMES

PERFORMANCE MEASURES:

The following section of this report provides an overview of OAA's outcome measures. Each outcome measure relates to a core business area, and this section will measure OAA's progress in fulfilling its core business areas. The performance measures in the 2003-04 business plan have been revised and are reflected in OAA's 2004-05 business plan. This accountability report reports on the revised measures, as they more accurately measure progress towards achieving our outcomes.

KEY PERFORMANCE AREAS:

Core Business Area – Negotiations and Related Discussions

The Office of Aboriginal Affairs is responsible for coordinating the negotiations process and representing the province's interests in negotiations and related discussions with the Federal Government and Mi'kmaq.

The outcome for this core business area is ***progress toward resolution of treaty-related issues in a manner that reconciles the interests of Nova Scotia, Canada, and the Mi'kmaq, and promotes positive working relationships.*** The following will provide information on each of the three identified measures.

Measure 1 – Continued commitment of all parties to the June 2002 Mi'kmaq-Nova Scotia-Canada Umbrella Agreement

What does this measure tell us?
On June 7th, 2002, Nova Scotia, Canada, and the Mi'kmaq formally signed an Umbrella Agreement, committing the parties to working together in good faith to resolve mutual issues. The agreement highlights three key aspects to the relationship between the Mi'kmaq, Nova Scotia, and Canada:
-Negotiation of a Framework Agreement;
-Development of a terms of reference with respect to the Crown's duty to consult; and
-A recommitment to the Tripartite Forum.

Where are we now?
Since 2002, we have made progress in delivering on all three key aspects of the Umbrella Agreement. During 2003-04, a draft Framework was prepared and reviewed internally by provincial departments and agencies; parties began work on drafting a terms of reference for the development of a process to resolve consultation issues; and within the Tripartite Forum, progress was made over the past year,

which resulted in positive changes in the areas of culture and heritage, economic development, education, healthy lifestyle promotion, and justice, to name a few.

Where do we want to go/be in the future?
We are committed to continued progress within the three key aspects of the Umbrella Agreement.

Measure 2 – Progress on a Framework Agreement, which will guide negotiation of Treaty and Related Issues.

What does this measure tell us?
Reaching consensus on a Framework Agreement with Canada and the Mi'kmaq of NS is the next step in the Treaty negotiations process. The Framework Agreement creates a road map of how parties will move forward to resolve outstanding issues regarding Aboriginal and Treaty rights.

Where are we now?
In 2003-04, a draft Framework was prepared.

Where do we want to go/be in the future?
In 2004-05, we plan to review the framework document internally with provincial departments and agencies. The next step in the process is for Mi'kmaq to conduct community consultations. Once completed, the Framework Agreement will be finalized and submitted for approval.

Measure 3 – Process for information sharing and input by public and groups, organizations, and individuals with interests in subject areas under negotiations.

What does this measure tell us?
A key aspect of Nova Scotia=s approach to the negotiations process will be to encourage a broad public awareness of the process and ensure that the views and concerns of provincial groups and organizations are well understood by the parties.

Where are we now?
In 2003-04, a discussion paper was prepared, and discussions with the federal government have been on going with respect to the coordination of public participation activities.

Where do we want to go/be in the future?
A public participation mechanism to be in place by the time the Framework Agreement is approved.

Core Business Area – Aboriginal and Intergovernmental Relations

This core business area includes working with Aboriginal communities and organizations, and other levels of government to coordinate Aboriginal initiatives, develop strategies, and build and maintain a sustainable framework for First Nation-Government relations.

This core business area contains two outcomes: ***1) To effectively represent the interests of Nova Scotians in Federal, Territorial, and Aboriginal relations; and 2) Improved relations between the Government of Nova Scotia and Aboriginal communities and organizations.*** For each outcome, one measure has been identified for each.

Outcome 1 - To effectively represent the interests of Nova Scotians in federal, territorial, and Aboriginal relations.

Measure 1 – Percentage of government departments and agencies who agree that OAA effectively represents Nova Scotians' interests in federal, territorial, and Aboriginal relations.

What does this measure tell us?
This measure demonstrates the percentage of provincial clients that feel OAA effectively represents the interests of Nova Scotians' in federal, territorial, and Aboriginal relations.

Where are we now?
In the past, some limited survey work with our internal clients has been conducted, essentially identifying areas for improvement. In 2003-04, work began on the development on a client satisfaction survey.

Where do we want to go/be in the future?
By summer 2004, we will distribute a survey to our clients in government departments and agencies to help us determine how effectively we represent the interests of Nova Scotians' in federal, territorial, and Aboriginal relations. This will help us to establish baseline data. We will target to maintain and improve on this measure.

Outcome 2 – Improved relations between the Government of Nova Scotia and Aboriginal communities and organizations.

Measure 1 – Assessment of government departments and agencies satisfaction with their working relationship with Aboriginal communities and organizations.

What does this measure tell us?

To improve relations between the Government of Nova Scotia and Aboriginal communities and organizations, it is important to determine how satisfied government departments and agencies are with their working relationship with Aboriginal communities and organizations.

Where are we now?
In the past, limited survey work with our clients has been conducted, which gave us some indication of how departments and agencies felt about their relationship with Aboriginal communities and organizations. In 2003-04, work began on the development on a client satisfaction survey.

Where do we want to go/be in the future?
By summer 2004, we will distribute a survey to our clients in government departments and agencies to help us determine how effectively we represent the interests of Nova Scotians' in federal, territorial, and Aboriginal relations. This will help us to establish baseline data. We will target to maintain and improve on this measure.

Measure 2 – Qualitative feedback from Aboriginal organizations on their satisfaction with their working relationship with the Government of Nova Scotia.

What does this measure tell us?
This measure is important in improving relations between OAA and Aboriginal communities and organizations. The feedback received from communities and organizations will help OAA to improve upon this outcome.

Where are we now?
Baseline data to be established this fiscal year.

Where do we want to go/be in the future?
Once the baseline data is established, we will target maintaining and continuous improvement on this measure.

Core Business Area – Interdepartmental Coordination, Policy Analysis, and Strategic Advice

This business area includes providing policy and strategic advice and support to departments and agencies on issues relating to Aboriginal people. The office also works with departments and agencies to develop and implement the government's overall approach to Aboriginal people in Nova Scotia.

The outcome for this core business area is: ***Effective coordination and advice being provided to***

government departments and agencies. For this core business area, only one measure has been identified.

Measure 1 – Government departments and agencies satisfaction with the services and advice provided by OAA.

What does this measure tell us?
Addressing Aboriginal issues involves a significant level of coordination. Key to designing effective and sustainable corporate practices and solutions is the support and involvement of other departments and agencies. One measure of our success is how satisfied government departments and agencies are with the services and advice provided by OAA.

Where are we now?
In the past, limited survey work with our clients has been conducted, which identified areas for improvement. In 2003-04, work began on the development on a client satisfaction survey.

Where do we want to go/be in the future?
Once the baseline data is established, we will target maintaining and continuous improvement on this measure.

Core Business Area – Communication, Public Education, and Awareness

In this core business area, a key element of OAA's activity is aimed at increasing the understanding of issues related to Aboriginal people in Nova Scotia. This business area employs the use of strategic communication and public education tools both internally and externally to enhance understanding and raise awareness.

The outcome for this core business area is ***government employees and the public are aware of and have an understanding of Aboriginal issues in Nova Scotia.*** For this core business area, three measures have been identified to track progress on the outcome.

Measure 1 – Increase in Nova Scotian's who feel informed and knowledgeable of Aboriginal issues in Nova Scotia.

What does this measure tell us?
Measuring the number of Nova Scotian's who feel informed and knowledgeable of Aboriginal issues in Nova Scotia is important in achieving our outcome.

Where are we now?
In November 2003, the Office of Aboriginal Affairs commissioned Corporate Research Associates Inc. to conduct a survey to gain a better understanding of public opinion on Aboriginal people and issues in Nova Scotia. This survey demonstrated that 40 per cent of Nova Scotians feel informed about Aboriginal issues in Nova Scotia.

Where do we want to go/be in the future?
Our target for this measure is to increase this percentage in the coming year.

Measure 2 – Number of Government employees who have attended training on Aboriginal issues

What does this measure tell us?
It is important for government employees to have an increased understanding and awareness of Aboriginal people in Nova Scotia. This output measure will provide us with a level of understanding of the reach of our corporate training initiatives.

Where are we now?
In 2003-04, OAA piloted a course call Aboriginal Perceptions Training for OAA staff. In 2004-05, we plan to reformat the course and offer it through the public service commission as an intensive one-day session for public servants.

Where do we want to go/be in the future?
Once the training course is developed, baseline data will be established. In the future, we will want to maintain or increase the number of public servants attending Aboriginal Perceptions Training.

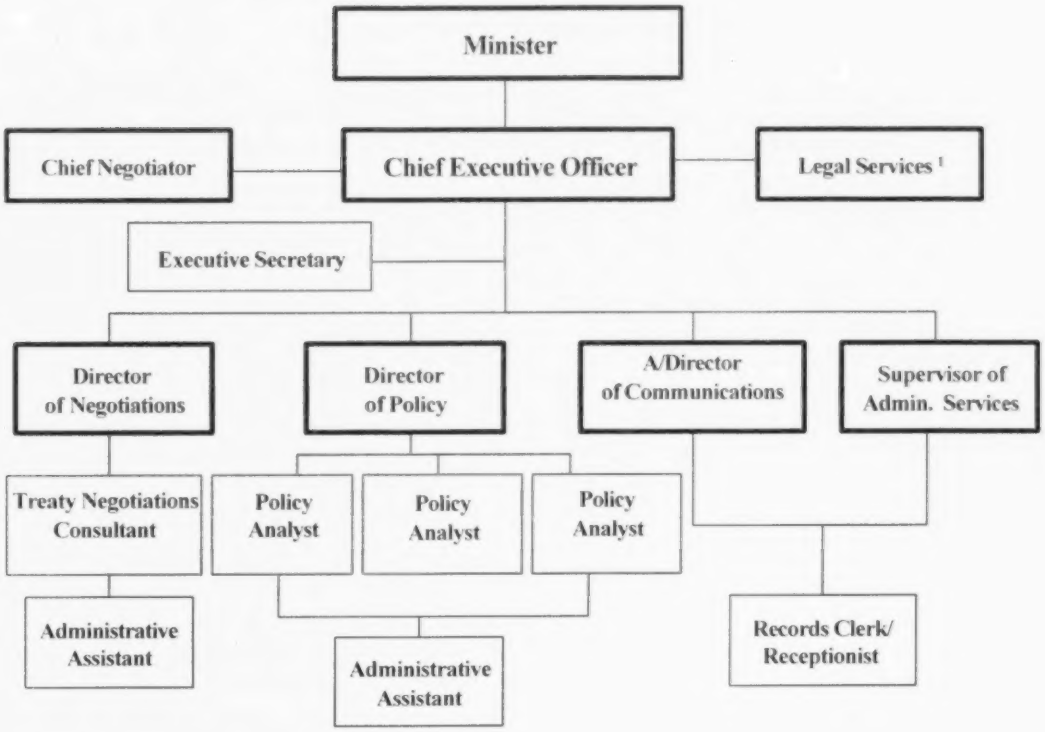
Measure 3 – Assessment of Government employees' satisfaction with training

What does this measure tell us?
This measure is based on qualitative feedback from course participants. Participants are asked to provide the instructor with comments on what they liked most about the training and areas for improvement.

Where are we now?
To date, OAA participants indicated satisfaction with the pilot training.

Where do we want to go/be in the future?
We hope to continue on the success already achieved by responding to the comments and suggestions of future participants.

Office of Aboriginal Affairs



[1] Legal Services provided by the Department of Justice

September 2003

APPENDIX A

Organizational Chart (as of March 31, 2004)